

Ordinance 537

An Ordinance to amend the City of New Castle 2020 Comprehensive Plan and to rezone tax parcels 21-001.00-003 (7 Arbutus Ave.), 21-001.00-004 (9 Arbutus Ave.), 21-001.00-005 (11 Arbutus Ave.), 21-001.00-007 (12 Arbutus Ave.), 21-001.00-011 (3 & 5 Buttonwood Ave.) and 21-001.00-010 (7 Buttonwood Ave.) from Retail Commercial (RC) to Residential District R-2

WHEREAS, the City of New Castle Comprehensive Plan was adopted by the City Council on December 8, 2020; and

WHEREAS, in its recommendation to City Council to adopt the Comprehensive Plan at its October 26, 2020 meeting, the Planning Commission had intended that parcels 21-001.00-003 (7 Arbutus Ave.), 21-001.00-004 (9 Arbutus Ave.), 21-001.00-005 (11 Arbutus Ave.), 21-001.00-007 (12 Arbutus Ave.), 21-001.00-011 (3 & 5 Buttonwood Ave.) and 21-001.00-010 (7 Buttonwood Ave.) all be designated as Residential on Map 3, Suggested Land Use; and

WHEREAS, due to a scrivener's error, the subject parcels were inadvertently designated as Commercial on Map 3, Suggested Land Use; and

WHEREAS, at its August 23, 2021 meeting the Planning Commission recognized said error and recommended that the City Administrator direct the Planner to correct Map 3, Suggested Land Use; and

WHEREAS, both the Planning Commission and City Council now wish to rectify this error and designate the subject parcels as Residential on Map 3, Suggested Land Use; and

WHEREAS, given the designation of the subject parcels as Residential on Map 3, Suggested Land Use and given the current zoning designation of said parcels as Retail Commercial (RC), pursuant to 22 Del. C. §702(c) the City desires amend the official zoning map of the city to rezone the subject parcels in accordance with the uses of land provided for in the Comprehensive Plan;

NOW, THEREFORE, be it ordained by the Council of the City of New Castle, as follows:

SECTION 1: The 2020 Comprehensive Plan for the City of New Castle is hereby amended so as to change Map 3, Suggested Land Use to designate parcels 21-001.00-003 (7 Arbutus Ave.), 21-001.00-004 (9 Arbutus Ave.), 21-001.00-005 (11 Arbutus Ave.), 21-001.00-007 (12 Arbutus Ave.), 21-001.00-011 (3 & 5 Buttonwood Ave.) and 21-001.00-010 (7 Buttonwood Ave.) as Residential on Map 3, Suggested Land Use.

SECTION 2: The City Planner and City Administrator are directed to prepare the necessary Map amendment to post same on the City Website; and to forward a copy of same and this Ordinance to the Office of State Planning Coordination for their records.

SECTION 3: The official zoning map of the City of New Castle (the "City"), incorporated into the Code of the City (the "Code") by Section 230-2 of the Code is hereby amended to rezone the following tax parcels to the Residential R-2 zoning classification:

21-001.00-003 (7 Arbutus Ave.)
21-001.00-004 (9 Arbutus Ave.)
21-001.00-005 (11 Arbutus Ave.)
21-001.00-007 (12 Arbutus Ave.)
21-001.00-011 (3 & 5 Buttonwood Ave.)
21-001.00-010 (7 Buttonwood Ave.)

SECTION 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 6: This Ordinance shall become effective immediately upon passage.

First Reading December 13, 2022

Second Reading _____, 2023

Signed this _____ day of _____, 2023

Michael Platt, President of Council

Attest: _____
Kathy Walls, City Secretary

Approved: _____
Michael J. Quaranta, Mayor